

TOWN OF ACTON

472 Main Street Acton, Massachusetts, 01720 Telephone (978) 264-9628

Fax (978) 264-9630

Engineering Department

INTERDEPARTMENTAL COMMUNICATION

To:

Board of Selectmen

Date: August 10, 2006

From:

Engineering Dept.

Subject: Boston Edison Petition - install UP #24/82XA - by the Acton Water District driveway

We have reviewed the petition from the Boston Edison Company and Verizon New England, Inc. for the purpose of installing a new utility pole (UP #24/82XA) on High Street adjacent to the Acton Water District driveway located within an easement on the property owned by the shopping plaza. Boston Edison and Verizon stated that the new utility pole is necessary to accommodate the new pump station.

Based on the proposed sewer plans, we have about a 10-foot wide road shoulder. The new pole (UP 24/82XA) is shown to be about 4 feet from the existing edge of pavement for High Street. We would recommend that the new pole location be 3 feet from the edge of the pavement. This will provide sufficient room for a sidewalk behind the pole along with 2 feet +/- in order to re-grade the area without encroaching onto private property.

We do not foresee any problems with granting this petition.

Maryjane Kenney

From: Brent Reagor

Sent: Thursday, July 27, 2006 9:19 AM To: Don Johnson; Maryjane Kenney

Cc: Woodard & Curran (jshea@woodardcurran.com); Doug Halley

Subject: New NSTAR Pole on High St. -- Powdermill Plaza

In order for the Powdermill Plaza sewer expansion to move forward in the construction phase with NSTAR, a new pole must be placed along High Street near the plaza. I am awaiting the paperwork from Joe Shea. I would appreciate it if you would put a placeholder on the next BOS agenda for this item.

Let me know if you have any questions.

--Brent

Brent L. Reagor, RS Deputy Director Acton Health Department 472 Main Street Acton, MA 01720 (978) 264-9634 The General Laws of Massachusetts

Search the Laws

PART I. ADMINISTRATION OF THE GOVERNMENT

TITLE XXII. CORPORATIONS

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CHAPTER 166. TELEPHONE AND TELEGRAPH COMPANIES, AND LINES FOR THE TRANSMISSION OF ELECTRICITY

CONSTRUCTION OF LINES FOR TRANSMITTING ELECTRICITY

Chapter 166: Section 22. Consent of municipal officers to construct or alter lines

Section 22. A company desiring to construct a line for such transmission upon, along, under or across a public way shall in writing petition the board of aldermen of the city or the selectmen of the town where it is proposed to construct such line for permission to erect or construct upon, along, under or across said way the wires, poles, piers, abutments or conduits necessary therefor. A public hearing shall be held on the petition, and written notice of the time and place of the hearing shall be mailed at least seven days prior thereto by the clerk of the city or by the selectmen of the town to all owners of real estate abutting upon that part of the way upon, along, across or under which the line is to be constructed, as such ownership is determined by the last preceding assessment for taxation. After a public hearing as aforesaid, the board of aldermen or the selectmen may by order grant to the petitioner a location for such line, specifying therein where the poles, piers, abutments or conduits may be placed, and in respect to overhead lines may also specify the kind of poles, piers or abutments which may be used, the number of wires or cables which may be attached thereto, and the height to which the wires or cables may run.

After the erection or construction of such line, the board of aldermen or selectmen may, after giving the company or its agents an opportunity to be heard, or upon petition of the company without notice or hearing, by order permit an increase in the number of wires or cables, and direct an alteration in the location of the poles, piers, abutments or conduits or in the height of the wires or cables. The board of aldermen or selectmen may, on written petition by two or more companies subject to this chapter, and having locations in any of the public ways of such city or town, without notice or hearing, by order transfer any such location from one of such companies to either or any of the other petitioners, or by order authorize any such company to attach its wires and fixtures to existing poles, piers or abutments of either or any of the other petitioners, or to maintain its wires or cables in the conduits of either or any of said other petitioners, or by order grant to said companies joint or identical locations for the maintenance of said existing poles. piers, abutments or conduits, to be used in common by them. The board of aldermen or selectmen may, on written petition by a company subject to this chapter having a location, or by two or more such companies having joint or identical locations, in any of the public ways of a city or town, in any case where a private way has been accepted as a public way, by order, without notice or hearing, grant a location or joint or identical locations to such company or companies for the maintenance of its or their poles, piers, abutments or conduits which were being maintained in such private way at the time of its acceptance as a public way. The board of aldermen or selectmen may, on written petition by two or more companies subject to this chapter, and after notice to abutting land owners and a hearing as hereinbefore provided, by order grant to said companies joint or identical locations for the erection or construction of poles, piers, abutments or conduits, to be owned and used in common by them. No order of the board of aldermen or selectmen shall be required for renewing, repairing or replacing wires, cables, poles, piers, abutments, conduits or fixtures once erected or constructed under the provisions of law, or for making house connections or connections between duly located conduits and distributing poles.

The order granting a location or an alteration or transfer thereof, or authorizing an increase in the number of wires or cables or attachments, such as are hereinbefore described, shall be recorded by the city or town clerk in books kept exclusively therefor, and where notice has been given as hereinbefore provided the clerk of the city or the chairman or

a majority of the selectmen shall certify on said record that the order was adopted after due notice and a public hearing as hereinbefore prescribed, and no such order shall be valid without such certificate. The company or companies in whose favor the order is made shall pay for such record the fees provided by clause (62) of section thirty-four of chapter two hundred and sixty-two.

The board of aldermen or selectmen may under this section authorize the attachment of the wires and fixtures of a street railway or electric railroad company to the poles, piers and abutments of another owner, or the attachment of the wires and fixtures of another owner to the poles, piers and abutments of such company, and may grant joint or identical locations for the erection or construction of poles, piers, or abutments to be owned and used in common by such company and other owners, and locations for the transmission lines and telephone, signal and feed wires of such company in public ways or parts thereof, other than those public ways in which the tracks of such company are laid, and locations for additional poles to support, or alterations of locations for existing poles supporting, trolley or span wires; and all locations granted to a street railway or electric railroad company hereunder shall be subject only to revocation as provided in sections seventy-seven and eighty-two of chapter one hundred and sixty-one; but nothing contained in this section save as hereinbefore expressly set forth shall be held to apply to the poles, wires and other appliances and equipment which a street railway or electric railroad company, by a grant of location, or extension or alteration thereof, under any general or special law now or hereafter in force relating to street railways or electric railroads may be authorized to construct, maintain and operate in a public way; and no terms, restrictions and obligations, other than those imposed upon a grant of location for a street railway or electric railroad, or an extension or alteration thereof, under any general or special law now or hereafter in force relating thereto, shall be imposed upon locations granted to a street railway or electric railroad company hereunder, save locations for its transmission lines or telephone, signal or feed wires in public ways other than those public ways in which the tracks of such company are laid.

Corey York

From: Corey York

Sent: Thursday, December 01, 2005 5:03 PM

To: Christine Joyce

Cc: Bruce Stamski; Sean Duarte

Subject: RE: Hearings

I think the guidelines are outlined in MGL Ch 166 Section 22. However, I am not the best at translating legal wording. I believe this chapter in the MGL states the following:

- A public hearing and abutter notification is required for any new installations of utilities such as new poles, mains, etc..
- A public hearing and notification is not required for the alteration/maintenance of existing features such as a pole relocation or an increase of wires or cables on the poles.

This is my best interpretation of the laws. I would have to research the laws in more detail to confirm whether or not this would be true in all situations such as relocating a pole a long distance from its original location. I am not sure if the MGL specifies a limit for work being considered maintenance/alteration vs.. new.

Hopefully, this helps

Thank You, Corey York Acton Engineering Department

----Original Message-----**From:** Christine Joyce

Sent: Wednesday, September 21, 2005 12:00 PM

To: Corey York
Subject: Hearings

Can you give me a copy of the guidelines from the utilities that outline when and if a Hearing is Required or No Hearing Required. I thought that was negotiated with Boston Ed and New England Tele. Thanks for your help



Walter Foster, Chairman Board of Selectmen

TOWN OF ACTON

472 Main Street Acton, Massachusetts, 01720 Telephone (978) 264-9612 Fax (978) 264-9630 E-Mail BOS@Acton-MA.gov

August 1, 2006

Boston Edison Company and Verizon, New England, Inc.

The Board of Selectmen will hold a Public Hearing on September 11, 2006 at 7:05 P.M. in the Selectmen's Hearing Room (The Frances Faulkner Room) for the following request. Boston Edison Company and Verizon New England, Inc. are petitioning the Board of Selectmen for the purpose of obtaining a Grant of Location to install (1) pole 24/82XA, High Street, Acton. Northerly side, approximately 550 feet Northwest of Powder Mill Road. This work is to accommodate a new pump station.

Very truly yours, Walter Foster, Chairman



157 Cordaville Road Southborough, Massachusetts 01772

7-28-06

Board of Selectmen Town Hall Acton, MA 01720

RE: High Street

W.O. #1509786 Hearing Required

Dear Members of the Board:

The enclosed petition and plan is being presented by the Boston Edison Company and Verizon New England, Inc. for the purpose of obtaining a Grant of Location to install one (1) pole 24/82XA, High Street, Acton.

This work is necessary to accommodate new pump station.

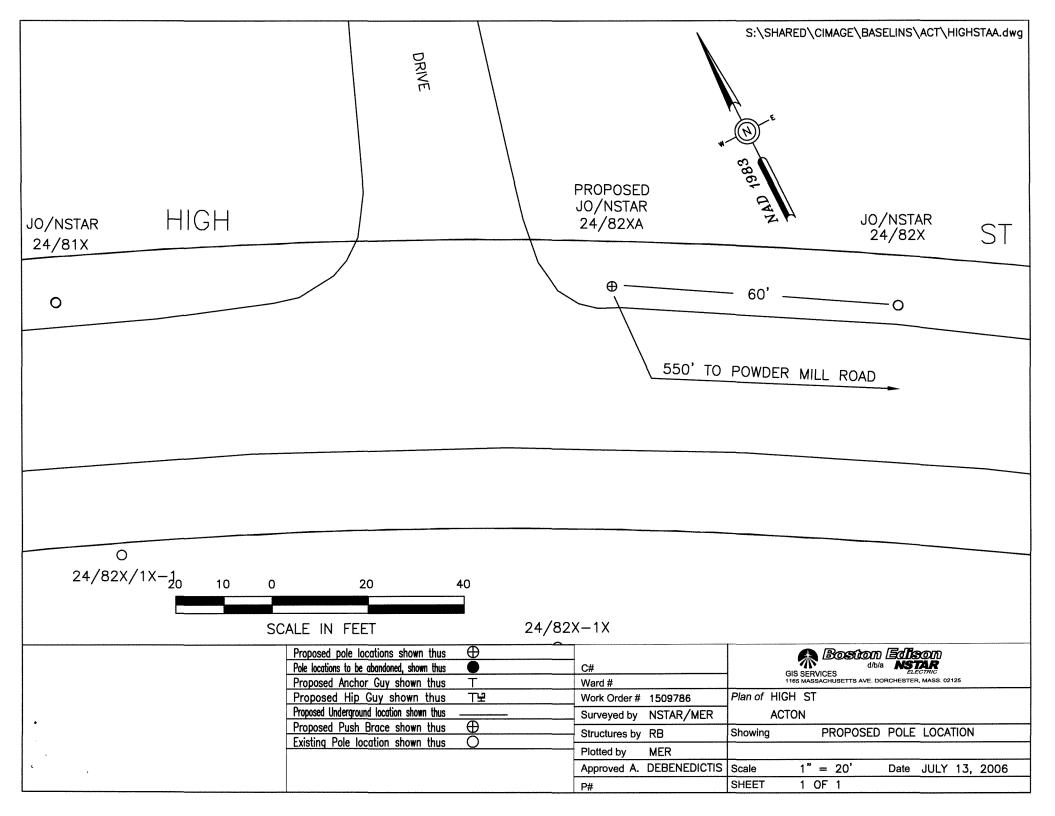
If you have any further questions, please contact Christine Cosby @ (508) 305-6989. Your prompt attention to this matter would be greatly appreciated.

Very truly yours,

Richard M. Schifone

Rights & Permits Supervisor

RMS/laa Enclosures



METROWEST DAILY NEWS • FRIDAY, SEPTEMBER 1, 2006

SEL/HIGH STREET
LEGAL NOTICE
Boston Edison Company and
Verizon, New England, Inc.

The Board of Selectmen will hold a Public Hearing on September 11, 2006 at 7:05 P.M. in the Selectmen's Hearing Room (The Frances Faulkner Room) for the following request.

Boston Edison Company and Verizon New England, Inc. are petitioning the Board of Selectmen for the purpose of obtaining a Grant of Location to install (1) pole 24/82XA, High Street, Acton. Northerly side, approximately 550 feet Northwest of Powder Mill Road.

This work is to accommodate a new pump station.

Very truly yours, Walter Foster, Chairman



Boston Edison

157 Cordaville Road Southborough, Massachusetts 01772

7-28-06

Board of Selectmen Town Hall Acton, MA 01720

RE:

High Street

W.O. #1509786 Hearing Required

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This work is necessary to accommodate new pump station.

If you have any further questions, please contact Christine Cosby @ (508) 305-6989. Your prompt attention to this matter would be greatly appreciated.

Very truly yours,

Richard M. Schifone

Rights & Permits Supervisor

RMS/laa Enclosures

PETITION OF BOSTON EDISON COMPANY AND OTHER COMPANIES FOR JOINT OR IDENTICAL LOCATIONS FOR POLES

To the **Board of Selectmen** of the Town of **ACTON**, Massachusetts:

Respectfully represent **BOSTON EDISON COMPANY** and **VERIZON NEW ENGLAND, INC.** companies subject to Chapter 166 of the General Laws (Ter. Ed.), that they desire to construct a line upon, along and across the public way or ways hereinafter specified.

WHEREFORE, your petitioners pray that after due notice and hearing as provided by law the **Board** of **Selectmen** may by Order grant your petitioners joint or identical locations for the erection or construction of poles, to be owned and used in common by them, and for such other fixtures including anchors and guys as may be necessary to sustain or protect the wires of the line, said poles to be located, substantially as shown on the plans made by **A. Debenedictis,** dated

July 13, 2006, and filed herewith, upon, along and across the following public way or ways of said Town:

High Street - Northerly side, approximately 550 feet northwest of Powder Mill Road
One (1) pole (24/82XA)
Hearing Required

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes. Your petitioners agree to reserve space for one crossarm at a suitable point upon each of said poles for the telephone, fire and police signal wires owned by the Town and used for municipal purposes.

-	a suitable point up	on each	of said poles for the telephone, fire and l purposes.			
			By Charles & Permits			
			VERIZON NEW ENGLAND, INC. Sylvelly-Our Concon Sight of Way Manager			
Dated this	day of	2006				
Town of ACTON	, Massachusetts.					
Received and filed			2006			

ORDER FOR JOINT OR IDENTICAL LOCATIONS FOR POLES

Town of **ACTON**. Massachusetts

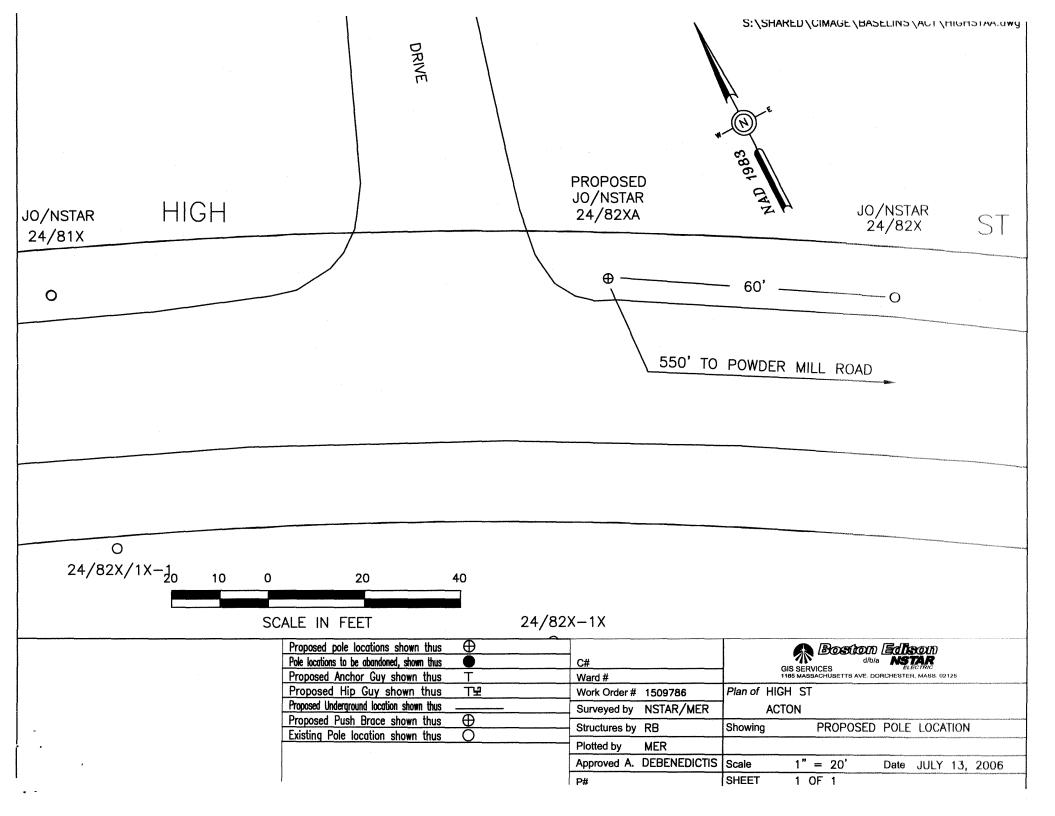
WHEREAS, **BOSTON EDISON COMPANY** and **VERIZON NEW ENGLAND**, **INC.** have petitioned for joint or identical locations for the erection or construction of poles to be owned and used in common by them upon, along and across the public way or ways of the Town hereinafter specified, and notice has been given and a hearing held on said petition as provided by law.

It is ORDERED that **BOSTON EDISON COMPANY** and **VERIZON NEW ENGLAND, INC.** be and hereby are granted joint or identical locations for the erection or construction of poles, to be owned and used in common by them, and for such other fixtures including anchors and guys as may be necessary to sustain or protect the wires of the line upon, along and across the following public way or ways of said Town:

High Street - Northerly side, approximately 550 feet northwest of Powder Mill Road One (1) pole (24/82XA)

All construction work under this Order shall be in accordance with the following conditions: Poles shall be of sound timber and located as shown on a plans made by **A. Debenedictis** dated **July 13, 2006** on file with said petition. There may be attached to said poles by said **BOSTON EDISON COMPANY** and by said **VERIZON NEW ENGLAND, INC.** wires and cables necessary for the conduct of their business. All such wires and cables shall be placed at a height of not less than eighteen feet from the ground at crossings of other ways and at not less than fourteen feet from the ground elsewhere.

eighteen feet from the ground at crossings ground elsewhere.	s of other ways and at not less than fourteen feet from the
	Selectmen of
	the Town of
	ACTON
	CERTIFICATE
prescribed by Section 22 of Chapter 166 of amendments thereof, to wit: -after written least seven days prior to the date of the abutting upon that part of the way or constructed under said Order, as determined.	er was adopted after due notice and a public hearing as f the General Laws (Ter.Ed.), and any additions thereto or in notice of the time and place of the hearing mailed at e hearing by the Selectmen to all owners of real estate ways upon, along or across which the line is to be need by the last preceding assessment for taxation, and a in said Town on day of
	Selectmen of
	the Town of
	ACTON
I hereby certify that the foregoing are tra Town of ACTON Massachusetts, duly add recorded with records of location Orders of of notice of hearing thereon required by S and any additions thereto or amnendment	**
Attest:	Town of ACTON . Massachusetts
Clerk of the 7	Town of ACTON . Massachusetts





TOWN OF ACTON Town Manager's Office

472 Main Street Acton, Massachusetts, 01720 Telephone (978) 264-9612 Fax (978) 264-9630 E-mail djohnson@acton-ma.gov

August 2, 2006

Acton Board of Selectmen Notice of Public Hearing

August 2, 2006

Dear Abutter:

The Board of Selectmen will hold a Public Hearing on September 11, 2006 at 7:05 P.M. in the Selectmen's Hearing Room (The Frances Faulkner Room) for the following request. Boston Edison Company and Verizon New England, Inc. are petitioning the Board of Selectmen for the purpose of obtaining a Grant of Location to install (1) pole 24/82XA, High Street, Acton, Northerly side, approximately 550 feet Northwest of Powder Mill Road. This work is to accommodate a new pump station.

on P. Johnson

Town Manager



Town of Acton

Bos Agenta 9-11-06

472 Main Street Acton, MA 01720 Telephone (978) 264-9622 Fax (978) 264-9630

Brian McMullen Assistant Assessor

Locus: 100 Powder Mill Rd

Parcel I.D.: J3-34-8

Location	Parcel ID	Owner	Co-Owner	Mailing Address	City	ST	Zip
284 HIGH ST	J3-34	ACTON WATER DISTRICT	WEST + SOUTH WATER SUPPLY	PO BOX 953	ACTON	MA	01720
76 POWDER MILL RD	J3-34-4	AUTOPLEX I LLC		6 PROCTOR ST	ACTON	MA	01720
16 KNOX TRL-28	J3-34-5	GREENOUGH ROBERT M		PO BOX 2256	ACTON	MA	01720
112 POWDER MILL RD	J3-37	VALLEY SPORTS INC		2320 MAIN STREET	CONCO	MA	01742
77 POWDER MILL RD	J3-50	MILLWRIGHT INTERESTS INC		DAMONMILL SQUARE	CONCO	MA	01742

The owner of land sharing a common boundry or corner with the site of the proposed activity in any direction, including land located directly across a street, way, creek, river, stream, brook or canal. The above are as they appear on the most recent applicable taxes.

Kimberly Hoyt

Assessing Clerk

Acton Assessors Office

cton Water District 84 High Street .O. Box 9563 cton MA 01720

Vest & South Water Supply 84 High Street .O. Box 953 .cton, MA 01720

tobert M. Greenough 6 Knox Trail #28 .O. 2256 acton MA 01720

Valley Sports, Inc. 320 Main Street Concord MA 01742

Acton Water District 284 High Street P.O. Box 9563 Acton MA 01720

Autoplex I LLC 6 Proctor Street Acton, MA 01720

Robert M. Greenough 16 Knox Trail #28 P.O. 2256 Acton MA 01720

Millwright Interests, Inc. DamonMill Square Concord, MA 01742 West & South Water Supply 284 High Street P.O. Box 953 Acton, MA 01720

Autoplex I LLC 6 Proctor Street Acton, MA 01720

Valley Sports, Inc. 2320 Main Street Concord MA 01742

Millwright Interests, Inc. DamonMill Square Concord, MA 01742